

Construction of 81 Residential Units and Unit Title Subdivision

96 BEACH HAVEN ROAD AND 13 CRESTA AVENUE

BEACH HAVEN

Assessment of Environmental Effects and Statutory Analysis

24 February 2022

B&A

Urban & Environmental

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Bentley Studios Limited

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1.0 Applicant and Property Details

| | |
|---------------------------------|---|
| To: | Auckland Council Attention: Mark Ross |
| Site Address: | 96 Beach Haven Road & 13 Cresta Avenue, Beach Haven |
| Applicant Name: | Bentley Studios Limited |
| Address for Service: | Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Jess Parulian |
| Legal Description: | Lots 1 and 2 DP 157383 (refer to Records of Title as Appendix 1) (refer to Records of Title as Appendix 1) |
| Site Area: | 7,147m ² |
| Site Owner: | Bentley Apartments Limited |
| Unitary Plan: | Auckland Unitary Plan (AUP) |
| AUP Zoning: | Residential – Single House Zone |
| AUP Precinct: | N/A |
| AUP Overlays & Controls: | N/A |
| Designations: | Airspace Restriction Designation – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence |
| Additional Limitations: | Overland flow path (greater than 4,000m ²) |
| Locality Diagram: | Refer to Figure 1 |
| Brief Description of Proposal: | Construction of 81 residential units and unit title subdivision. |
| Summary of Reasons for Consent: | AUP (OP): Construction of 81 new dwellings and infringements to zone, noise and transport standards. NES (CS): N/A (already addressed in BUN60384511). |

2.0 Background

2.1 Bulk Earthworks Consent

Prior to this application, a land use consent for bulk earthworks was approved on 21 December 2021 for site preparation works to prepare the site for residential development (BUN60384511). Consent was sought for infringements to regional and district earthworks and construction noise standards, as well as consent for a controlled activity under the NES for Contaminated Land. Supporting documentation was lodged with this consent to address these infringements, including the construction management plan, geotechnical report and a detailed site investigation and remediation action plan. As these matters have already been addressed, no further assessment is provided in this application with respect to the infringements identified above.

2.2 Pre-Application Meeting

The proposal was discussed with Council at a pre-application meeting on 27 July 2021 and a copy of the pre-application meeting minutes are included as **Appendix 2**. The proposal included a staged approach to consenting to the development. Council did not raise any major concerns with the proposal.

At the meeting a number of planning, engineering and urban design matters were discussed with Consultant Planner, Mark Ross and other Council specialists. The planning, engineering and urban design matters raised in the meeting are addressed in this report and accompanying documentation.

3.0 Site Context

3.1 Site Description

The subject site is comprised to two residential allotments at 96 Beach Haven Road and 13 Cresta Avenue in Beach Haven. The sites are legally described as Lots 1 and 2 DP 157383, have an irregular shape and comprise a total site area of 7,147m², as shown in **Figure 2** below.

The site is currently occupied by two single-storey and one two-storey standalone dwellings situated in the north-west and south-east corners of the site. The site slopes in a northerly direction, with gradients ranging from 4% in the centre of the site, to approximately 6% in the northern section of 13 Cresta Avenue. The site is accessed via two vehicle crossings, one in the north-western corner of the site on Cresta Avenue and the second is situated in the south-eastern corner on Beach Haven Road.



Figure 1: The subject site property boundaries highlighted in yellow (Source: Auckland Council GeoMaps)

Beach Haven Road is an arterial road, with a 20m wide carriageway and has on-street parking available on some parts of the road. Cresta Road is a local road, with a 20m wide carriageway and has footpaths, berms and on-street parking available on both sides of the road.

3.2 Surrounding Locality

The subject site is located within the suburb of Beach Haven. This is primarily accessed from Beach Haven Road which is a main Arterial Road. The pattern of development within this area is linear and characteristic of infill subdivision. The majority of the neighbourhood is residential and characterised by one-two storey dwellings. These buildings are largely from the mid-twentieth century and are rectangular sites that are approximately 15m in width. There are nine Kainga Ora projects within the Beach Haven area at various stages of completion, which seek to intensify their land holdings within this area¹.

The zoning pattern of the wider area spanning out from Beach Haven Local Centre is, very loosely, concentric as shown in **Figure 3** below. At its core is Local Centre zoning, surrounded by MHU and MHS zones, with the exception being the subject site and two adjoining sites to the north. From there, it transitions to Single House zone adjacent to the coast and where permanent watercourses are present.

¹ Source: <https://www.birkdalebeachhaven.org.nz/kainga-ora>

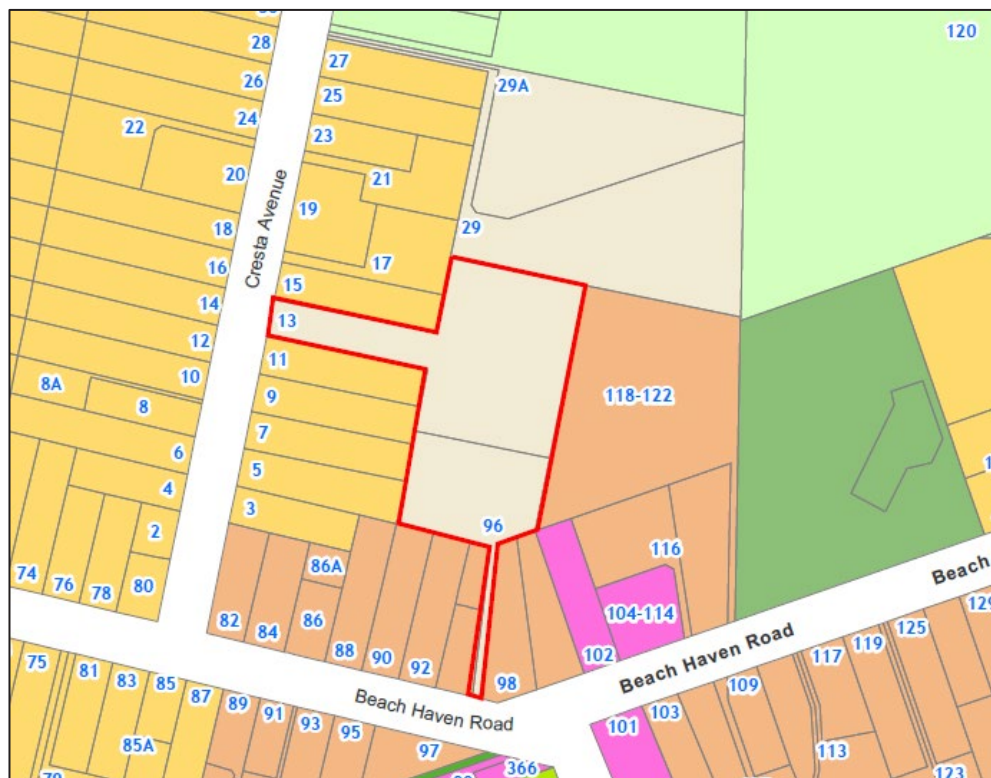


Figure 2: The subject site in relation to the diverse residential, commercial and recreational land uses within the surrounding locality (Source: AUP(OP) maps)

The Beach Haven Town Centre is located to the south-east of the site which provides a range of food and beverage, commercial and health facilities including takeaway shops, café, a superette, post shop, Unichem Pharmacy, hairdresser, mechanic and real estate offices. In terms of recreational facilities, the site is within 150m of Shepherds Park, which provides a range of recreational amenities, including tennis, football and squash facilities. Further, Tui Park is located north-west of the site within approximately 800m (2-minute walk).

The area is well serviced by public transport, with bus stops within walking distance to the site on Beach Haven Road and the Beach Haven Wharf is within approximately 750m, providing regular connections to the city centre. There are three bus stops located in the Local Centre. Beach Haven Road and Rangatira Road are both arterial roads and are serviced by the Frequent Transit Network (FTN) with buses going to the CBD, New Market and the Auckland City Hospital via Ponsonby Road. There are also frequent connections to Smales Farm, Takapuna and the North Shore Hospital. In July 2020, Auckland Transport upgraded the zebra crossing, extended a raised table, traffic island and installed new footpaths within the Local Centre.

4.0 Proposal

It is proposed to construct 81 new residential units and associated unit title subdivision. A summary of the key elements of the proposal is set out below. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.

4.1 Buildings and Dwellings

It is proposed to construct 81 new residential units on the site as depicted in the Architectural Plans included as **Appendix 3**. The proposed site layout is shown in **Figure 4** below, being four apartment blocks containing a mix of studio, one- and two-bedroom dwellings.

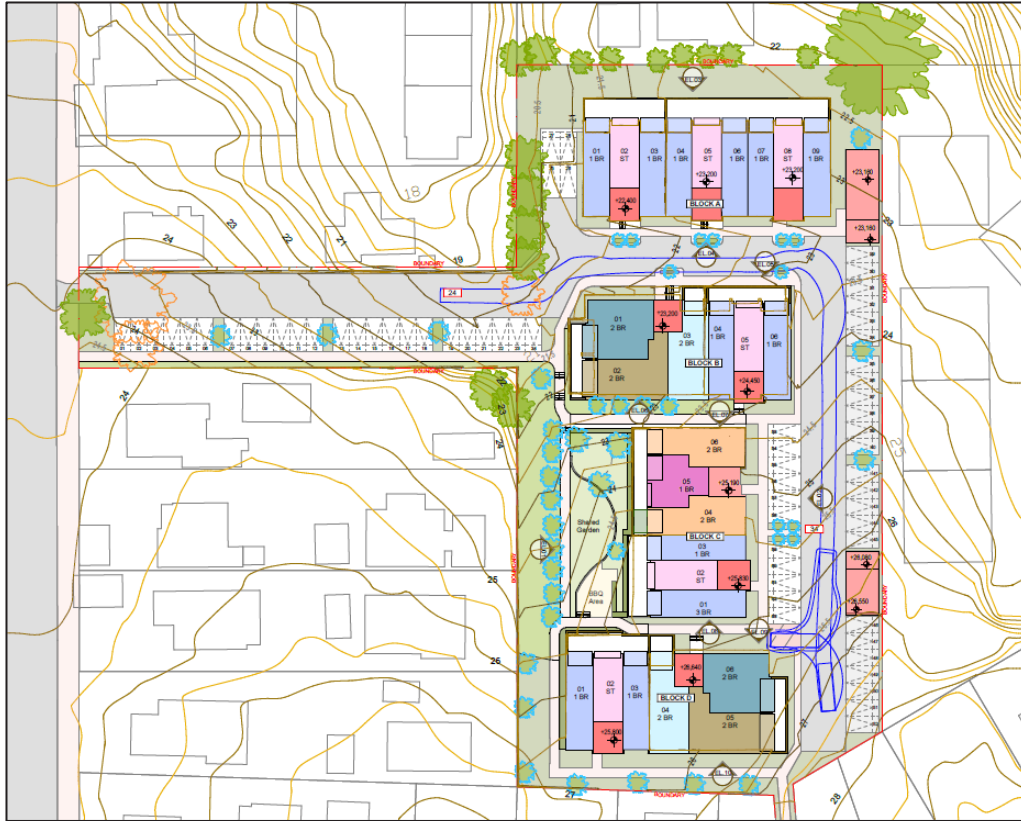


Figure 3: Proposed site plan for development (Brewer Davidson Architects).

The apartment buildings are three-storey and there are seven-unit typologies for the proposed dwellings. All dwellings have an open plan kitchen, dining and living areas that flow onto the outdoor living area for the ground floor units and each of the units on the first and second storeys will have a balcony.

The proposed exterior cladding materials including dark metal clad roofing, a mix of light, dark and red projected and recessed brick cladding, concrete patios and metal balustrades for the outdoor patios/living spaces.

4.2 Access and Parking

The proposed access and parking arrangements have been assessed in the Integrated Traffic Assessment prepared by Commute in **Appendix 4**. There are currently two existing vehicle crossings serving the site, one to the south providing access to Beach Haven Road and the second on Cresta Avenue. It is proposed to decommission the crossing on Cresta Ave and replace it with a new 5.5m wide vehicle crossing which provides access to the main accessway of the site. There are various areas of at grade parking either side of the accessway and a total of 63 parking spaces will be provided on site. Each parking space is 2.5m wide and 5m deep, and manoeuvring space of 6.7m for “regular users” is achieved.

The vehicle access on Beach Haven Road will also be decommissioned and the kerb reinstated. This access leg will provide pedestrian and cyclist access only. A gate is proposed at the entrance of this access for security. A network of footpaths is proposed within this site to provide access between blocks, car parks, and provides a pedestrian connection between Cresta Ave to Beach Haven Road.

4.3 Landscaping

A comprehensive landscape scheme is proposed for the development, as illustrated on the Landscape Plans prepared by Greenscene NZ (refer to **Appendix 5**). The overall landscape, paving and fencing strategy will be consistent across the development and will feature the following:

- *Communal Areas:* The proposal includes a communal access and parking for vehicles on western portion of the site as well as parking along the eastern boundary. A letter box bank for all units will be fixed to a fence at the main entrance to the development on Cresta Avenue. Planting is proposed within this area to screen and soften views of the parking area from the street with the use of specimen trees and low-level amenity planting. A communal outdoor space is proposed within the western portion of the site adjoining Block B and C. This area contains a communal BBQ and seating area, lawn area for recreation and a mix of low-level amenity planting, shrubs and trees.
- *Pedestrian Linkages:* As discussed above, there are a number of pedestrian linkages in and around the proposed buildings to encourage active modes of transport. These are demarcated by coloured concrete and includes a connection through the site from Cresta Ave to Beach Haven Road. The pedestrian and cycling access from Beach Haven Road provides good and safe access to the Beach Haven Local Centre from the development.
- *Planting and Landscape Design:* The planting strategy incorporates a number of different tree species including red maple, pin oak, Māori princess pohutukawa and pyramidal European homebean which have been carefully considered in terms of their location throughout the site. The landscape concept features mix of hedging and shrubs is proposed along the site boundaries. Within the site, a mix of specimen trees, hedging and lawn area are proposed. A row of mature vegetation which runs parallel of 15 and 17 Cresta Ave will be retained.
- *Fencing:* Low (1.2m high) visually permeable fencing is within the first 60m of the boundary at Cresta Avenue to ensure clear sightlines to the road. The existing 1.8m high timber fencing along the northern and eastern boundaries will be retained and a new 1.8m high timber fence is proposed along the western boundary. Between units and adjoining communal areas, private outdoor areas are demarcated using a combination of 1m high balustrades and hedging.
- *Lighting:* A lighting concept has been provided as **Appendix 6**. This has been designed to ensure that the carpark and pedestrian pathway from Beach Haven Road is well lit for pedestrian safety and security. A detailed lighting design will be provided at building consent stage.

4.4 Servicing

The servicing strategy for the development site is set out in the Infrastructure Report and Engineering Drawings prepared by Aireys and included as **Appendix 7**. A summary is provided as follows:

- *Stormwater:* The proposed development will be provided with a single public stormwater connection to the existing stormwater manhole located within 13 Cresta Avenue. As there is an increase in impervious area from the proposed development, stormwater attenuation will be provided in the form of two detention tanks which will attenuate discharge from post development flows back to pre-development flows. Further details of the proposed detention will be provided at building consent stage.
- *Wastewater:* It is proposed to upgrade the existing 100mm ϕ public wastewater line located in the north eastern corner of the site and upgrade to a 150mm ϕ connection to service the proposed development. The proposed connection will discharge into the existing 150mm ϕ gravity line located within 29 Cresta Avenue. An assessment of the downstream system has been undertaken and the capacity of this area has been discussed with Watercare at length as part of the Plan Change process. Watercare acknowledged that there are existing capacity issues within the area, primarily relating to a bottle neck approximately 800m away from the subject site. Nevertheless, the proposed development is increasing demand on the network and therefore the applicant is entering into a commercial agreement with Watercare to contribute to the upgrade of the network.
- *Water Supply:* It is proposed to install a new water meter and connect to the existing 150mm ϕ water pipe located on Beach Haven Road. An assessment of the existing 150mm ϕ water pipe confirmed that there is sufficient capacity to cater for the proposed development. There are two fire hydrants within 135m of the subject site located at the site frontages of 96 Beach Haven Road and 13 Cresta Avenue and therefore the proposal will comply with firefighting requirements.
- *Utility Services:* Power supply and telecommunications will be connected from the existing supply within the vicinity.
- *Waste:* Two communal bin storage areas are provided in the north-east and south-east corners of the site and private waste collection is proposed. It has been confirmed that the required truck manoeuvring can be achieved on the site. The bins for the residential units in Block A and B will be stored in the northern bin storage area and the bins for the residential units within Block C and D will be stored in southern bin storage area. A copy of the proposed Waste Management Plan prepared by Green Gorilla is included as **Appendix 8**.

4.5 Subdivision

A unit title subdivision is proposed for the 81 units, in the arrangement shown in the unit title plan prepared by Easedale Surveyors included as **Appendix 9**. In total, 81 principal units are proposed, and 63 accessory units are provided. The proposed accessway, communal outdoor area, bike storage and rubbish enclosure will be common property.

5.0 Reasons for Consent

A rules assessment against the provisions of the Auckland Unitary Plan (Operative in Part version) ('AUP (OP)') is attached as **Appendix 10**. The site is zoned Residential -Single House and is subject to an Airspace Restriction Designation (ID 4311), as well as an overland flow path (greater than 4,000m²).

The proposal requires consent for the matters outlined below.

1.1 Auckland Unitary Plan (Operative in Part)

5.1.1.1 H3 Single House Zone

- The proposal is for 81 dwellings and therefore is not provided for within the Single House zone and therefore required **non-complying activity** consent pursuant to Rule H3 .4.1(A1).
- The proposal does not comply with the following standards and therefore requires **restricted discretionary activity** pursuant to Rule C1.9(2):
 - Standard H3.6.6 Building Height: The proposal infringes the maximum 8m height permitted as per below:
 - Block A infringes the permitted 8m height by approximately 3.2m at the western boundary reducing to 2.7m at the eastern boundary.
 - Block B infringes the permitted 8m height by approximately 2.6m at the western boundary reducing to 2m at the eastern boundary.
 - Blocks C infringes the permitted 8m height by approximately 2.4m at the western boundary reducing to 1.3m at the eastern boundary.
 - Block D infringes the permitted 8m height by approximately 2m at the eastern boundary reducing to 1.5m at the western boundary
 - Standard H3.6.7 Height in Relation to Boundary: The proposal infringes the 2.5m + 45° recession plane at the following boundaries:
 - Block A protrudes beyond the eastern recession plane by a vertical height of 400mm over a horizontal length of 7m as it relates to the roof eaves in the north-eastern corner of the building.
 - The proposed northern bin and bike storage protrudes beyond the eastern recession plane by a vertical height of 250mm over a horizontal length of 9m.
 - Block D protrudes beyond the southern recession plane by a vertical height of 350mm over a horizontal length of 4.9m as it relates to the roof of the stairwell in the south-western corner of the building.
 - Block D protrudes beyond the southern recession plane by a vertical height of 350mm over a horizontal length of 18m as it relates to the roof eaves in the south-eastern corner of the building.
 - Standard H3.6.8 Yards: The proposal infringes the following side yard setbacks:

- The northern bin and bike storage encroaches into the 1m side (east) yard setback by approximately 0.5m for a length of approximately 14.2m.
- The southern bin and bike storage encroaches into the 1m side (east) yard setback by approximately 0.5m for a length of approximately 9.8m.
- o Standard H3.6.11 Landscaped Area: The proposed landscaped area does not meet the minimum 40% required, with 39.1% proposed.

5.1.1.2 E25 Noise and Vibration

- Activities that do not comply with a permitted activity standard (Standard E25.6.2) is a **restricted discretionary activity** under Rule E25.4.1(A2).

5.1.1.3 E27 Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a restricted discretionary activity under Rule E27.4.1(A2):
 - o Some of the parking spaces have a maximum gradient of 1:16 (6.25%) which exceeds the maximum 1:20 gradient permitted for parking spaces.

5.1.1.4 E38 Subdivision

- To undertake a unit title subdivision which is a **controlled activity** pursuant to Rule E38.4.1(A4).

5.2 National Environmental Standard

As noted in section 2.1 above, consent has been sought for a controlled activity under the NES:CS in the land use application for bulk earthworks which was approved on 21st December 2021 (BUN60384511). The relevant matters were addressed in the Detailed Site Investigation and Site Remediation Plan that were submitted with the application. As such, consent is not sought under the NES:CS and no further assessment is provided.

5.3 Activity Status

Overall, this application is for a **non-complying activity**.

6.0 Public Notification Assessment (Sections 95A, 95C and 95D)

6.1 Assessment of Steps 1 to 4 (Section 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

6.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the applicable rules do not preclude public notification, and the proposal is not a controlled activity or a boundary activity. Therefore, public notification is not precluded.

6.1.3 Step 3: If not precluded by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be less than minor.

6.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this case, the proposal is for a residential development within a residential zoned site. It is considered that there is nothing noteworthy about the proposed and it is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

6.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed below

- Adverse effects permitted by a rule in a plan or national environmental standard (the ‘permitted baseline’) may be disregarded.

The Single House zone allows for the construction of a dwelling, and minor unit for each site. Therefore, a total of four buildings with a coverage of up to 35% could be provided for onsite as a permitted activity, given that it complied with other development standards. It is considered that the bulk associated with these buildings, forms a permitted baselined that can be usefully applied to the development.

In addition, we note that a vacant subdivision could occur on the subject site as a restricted discretionary activity, meeting the minimum required net site area of 600m² within the Single House zone. This means that 11 sites could be created each of which could accommodate a dwelling and a minor unit with coverage of up to 35%.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties, and an assessment of adverse effects.

6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 5** below, and include:

- 15 and 17 Cresta Avenue (north-west);
- 29 Cresta Avenue (north);
- 120 Beach Haven Road (east);
- 98-100 Beach Haven Road (south-east);
- 88, 90A, 90B, 92, 92A, 94 and 94B (south);
- 5, 7, 9 and 11 Cresta Avenue (south-west);
- 12 and 14 Cresta Avenue (west).



Figure 4: Adjacent properties (shaded blue) in relation to subject site (shaded red) (Source: Emaps)

6.4 Assessment of Effects on the Wider Environment

The following sections set out an assessment of wider effects of the proposal, and it is considered that effects in relation to the following matters are relevant:

- Construction Activities;
- Built Character and Amenity;
- Transportation;
- Noise; and
- Subdivision.

These matters are set out and discussed below:

6.4.1 Construction Activities

Construction activities associated with this proposal include the construction of buildings, installation of services and the formation of parking areas and accessways. Measures for mitigation erosion and sediment runoff effects are outlined in the Infrastructure Report, included as **Appendix 7**, which includes compliance with construction noise standards and erosion and sediment control in accordance with GD05. It is considered that construction works will be temporary in duration and the scale of works is considered proportionate to the development proposed.

Further assessment of the potential adverse noise, sediment generation and traffic effects arising from the construction activities was considered in the bulk earthworks application (BUN60384511) and the Geotechnical Assessment by Lander Geotechnical submitted with this application concluded that there are no significant constraints that could preclude development.

6.4.2 Built Character, Amenity and Streetscape

The subject site is zoned Single House under the AUP(OP). As described in section 3.2 above, the immediately surrounding locality is characterised by a mix of one and two storey dwellings, and there is a three storey multi-unit development directly adjoining the site to the east.

In this case, it is proposed to remove the existing dwellings and construct four new buildings which will contain 81 dwellings. The residential units have been split into a number of buildings to reduce avoid excessive bulk form. It is considered that the overall design treatment will reduce and break up any perceived massing, including the use of various building materials and colour to create an articulated façade and the orientation of the buildings to reduce overall bulk, as shown in **Figure 6** below.



Figure 6: Proposed design treatment for the development (Brewer Davidson Architecture)

The residential units are a mix of seven typologies that include a range of studio, one- and two-bedroom dwellings that have been designed to achieve a good level of internal and external amenity. The proposed site layout has been carefully considered to maintain existing amenity of adjoining sites and to make the most efficient use of the land resource, particularly as the site is a rear site resulting in limited effects on the wider environment. The dwellings will be constructed using high quality materials and will have a modern design that will strengthen the built character in this locality.

The proposal has been assessed by the Urban Design Assessment prepared by Brewer Davidson, which is included as **Appendix 11**. The report concludes that the development is of high-quality, appropriate for the site context and responds well to the existing environment, particularly considering the site constraints. All of the proposed units have been well designed with functional living areas with direct access to the outdoor living spaces, and there is an appropriate mix of landscaping and fencing, with the provision of a communal BBQ and seating area within the western portion of the site. The proposed ground floor units have a good relationship with the common areas to achieve a balance of privacy and overlooking to enhance passive surveillance throughout the site. The site layout has been carefully designed to ensure all outdoor living spaces are orientated to the north or west to ensure good access to sunlight and provides good circulation

from the street, parking areas and footpaths to the units. The proposed development has been designed to ensure that the needs of future residents are met.

The proposed development provides for greater density than what is provided for by the Single House zone, however it is consistent with other developments within the immediate surrounds. Furthermore, the development is located on a rear site and therefore there will be limited views of the proposed buildings from the wider environment. The site layout has been carefully considered to provide buildings that are visually interesting.

The proposal also infringes the yard setback as retaining is proposed within 1.5m of the road boundary, however the retaining is predominantly cut and will be complimented by landscaping along these boundaries to break up the retaining and enhance overall streetscape amenity when viewed from Cresta Avenue.

With respect to the landscaped area infringement in the Single House zone, this is considered to be a relatively minor non-compliance given the proposal only infringes this standard by 0.9% and the fact the site is a rear site, and therefore will result in less than minor landscape and amenity effects on the wider environment.

Greenscene NZ Architects have prepared a comprehensive landscape scheme that compliments the high-quality built form, which is included as **Appendix 5**. In particular, large specimen trees, shrubs and lawn cover will be established throughout the site, with small hedging within the front and rear yard of the ground floor units for privacy screening, as well as landscaping within the communal parking areas which will assist the integration of the proposed development into the wider streetscape.

Overall, the proposed development is considered to be in keeping with the character sought for the surrounding residential area, will provide a high level of on-site amenity and will not result in any adverse effects on the streetscape being a rear site.

6.4.3 Visual Dominance Effects

The proposal infringes the 8m height permitted in the Single House Zone by a maximum of 3.2m. Being a rear site, it is considered that that the proposed height infringement will not result in any visual dominance or excessive bulk when viewed from the street and the wider area and the buildings are well setback from the adjoining boundaries. It is noted that the proposed development reflects a similar design, layout and bulk to the existing three storey apartment buildings directly adjoining the site to the east at 120 Beach Haven Road, thus the proposal is not out of character within the wider area.

With respect to the 2.5m + 45° height in relation to boundary infringements, this arises from the roof eaves only for a maximum height of 0.4m and therefore the extent of non-compliance is not considered to result in any adverse shading or visual dominance effects on the wider environment. Given the development is located on a rear site, the proposed development is largely screened from view and the proposed landscaping scheme will provide further screening to soften views of the development, reducing any potential adverse effects on the wider area.

Further, the proposal infringes the 1m side yard setback along the eastern boundary which arises from the location of the proposed bin and bike storage areas. These enclosed buildings are well below the permitted height threshold for the Single House zone and the proposed landscaping around these areas will help screen and soften views of these buildings, reducing potential visual dominance or amenity effects. As the proposed bin and bike storage areas are located to the east

of the proposed buildings, views of these areas will be limited as they are largely screened by Blocks A-D and are well setback from Beach Haven Road and Cresta Avenue. The bin and bike storage areas have been designed along the boundary edge to provide for functional and useable space for future residents, prioritising space for additional landscaping and the communal space located to the west of Block C.

Overall, any adverse visual dominance effects arising from the proposal are considered to be less than minor given the proposed height and height in relation to boundary infringements are unlikely to be visible from the wider environment given the proposed buildings are well setback from Cresta Avenue and Beach Haven Road and the proposed landscaping strategy will mitigate the effects of the proposed yard infringements.

6.4.4 Transportation

Traffic, access and parking matters have been considered in the Integrated Traffic Assessment prepared by Commute included as **Appendix 4**. Their report concludes that:

- The increased traffic generated by the proposed development can be accommodated within the existing road network and the effects of this additional traffic are considered negligible;
- The expected demand for the parking can be satisfied by a combination of on-site parking, and available on-street parking resources near the site.
- A two-way vehicle access and pedestrian path can be provided from the development onto Cresta Avenue in accordance with the permitted standards;
- The available site distances are considered acceptable and meet the relevant guidelines;
- Construction effects can be managed with a Construction Management Plan (CTMP); and
- The site is well connected from a public transport perspective which is likely to encourage residents to make public transport trips to and from the site and provides good accessibility to all transport modes, including walking, cycling and private vehicles.

We agree with the assessment provided by Commute and overall consider that the proposal will have less than minor effects on the safe and efficient operation of the roading network.

6.4.5 Noise

Noise effects associated with the proposed development have been considered in the Acoustics Assessment and Carpark Acoustic Fencing Memo included as **Appendix 12** prepared by Earcon Acoustics. The level of external noise produced by on-site vehicle traffic and the effects of a 1.8m high acoustic fence is 50Db_{Aeq} or below which complies with the permitted day time noise levels (Monday to Saturday 7am-10pm and Sunday 9am-6pm). The effects of a 1.2m high acoustic fence largely comply with this standard, except for the 2dB exceedance at 15 Cresta Avenue, however the effects of a 2dB exceedance is considered negligible being an imperceptible difference in noise levels. As such, the proposal will result in no adverse noise effects during the day time hours specified above.

The proposal exceeds the noise limit of 40 Db_{Aeq} during the night time period at the closest neighbouring receivers. Various recommendations are provided in the reports, including speed bumps near the ROW, maximum 10km/hr speed limits and smooth transitions across the ROW which will mitigate the effects of this exceedance on the wider environment. Further details of the proposed recommendations and mitigation measures are outlined in the report. It is also noted

that any effects generated from private rubbish and recycling collection on site is considered to be less than minor given the noise will occur for a short duration.

Based on the above and provided the recommendations outlined in Earcon Consultant's reports are adopted, it is considered that any adverse effects with respect to noise will be less than minor.

6.4.6 Subdivision

The proposal involves the construction of 81 new dwellings and subsequent unit title subdivision for the development. Each dwelling will be adequately serviced and accommodated within the development, as outlined the Infrastructure Report and Engineering Drawings included as **Appendix 7**.

Based on the foregoing, it is considered that no adverse effects in terms of the proposed activity will result.

6.5 Summary of Effects

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it is concluded in the assessment above that any adverse effects relating to the proposal will be less than minor.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

6.6 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

7.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

7.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

7.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

7.1.2 Step 1: Certain affected protected customary rights groups must be notified

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

7.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

7.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 6.1.4 above, it is considered that special circumstances do not apply.

7.2 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;

- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

These matters were addressed in section 6.2 above, and no persons have given their written approval to the proposal.

Having regard to the above provisions, an assessment is provided below.

7.3 Assessment of Effects on Persons

Adverse effects in relation to visual dominance, shading, and privacy on adjacent properties are considered below.

Wider effects, such as neighbourhood character, construction, transportation and subdivision were considered in section 6.5 above, and considered to be less than minor.

The proposed development has been architecturally designed with a functional and efficient layout, will be constructed using high quality materials and be modern in design and will enhance on-site amenity and the amenity of the surrounding locality. Although the proposal reflects a greater density than the existing one and two storey dwellings provided for on the immediately adjoining properties to the north, south and west, the proposal development is similar in scale to the three-storey residential development on the adjoining property at 120 Beach Haven Road whereby the buildings are a similar height, density and bulk to the proposal.

Additionally, adequate on-site parking is provided for the proposed development and the additional traffic generated by the development can be accommodated within the existing road network.

Overall, it is considered that the proposal will have less than minor adverse effects on the adjoining properties for the following reasons:

7.3.1 98, 100 and 120 Beach Haven Road (East)

These properties adjoin the eastern boundary of the subject site and each contain residential dwellings. The following comments are made with regard to potential visual dominance, shading and privacy effects on these properties:

- The proposal involves the construction of four well designed apartment buildings. These will have adequate setback from the eastern boundary and comply with outlook requirements.
- In relation to the 2.5m + 45° HiRB control infringement arising from the roof eaves in the north-eastern corner of Block A and the roof of the stairwell in the south-western corner of the Block, the maximum vertical height of non-compliance is 400mm reducing to 350mm. Block A and Block D are well setback from the adjoining boundary and the residential units in Block B and C are further setback from the boundary due to the separation distance afforded by the proposed parking and driveway area, reducing potential visual dominance effects. The existing 1.8m fencing along this boundary will be retained which reduces potential privacy effects and the proposed landscaping along this boundary will screen views of the proposed development.

- As there are no buildings directly adjoining the properties at 98 and 100 Beach Haven Road as this is occupied by the proposed footpath, the proposal is not considered to give rise to any adverse visual dominance or privacy effects, and the proposed landscaping and fencing along the boundary will maintain privacy and reduce potential sightlines and overlooking effects into these properties from the footpath.
- As previously discussed in section 6.5.2 above, the proposal infringes the 1m side yard setback along the eastern boundary adjoining 120 Beach Haven Road due to the location of the bin and bike storage areas. The proposed bin and bike storage is well below the permitted height threshold and there are no windows on the eastern façade of the building, reducing the extent of potential shading, visual dominance overlooking or privacy effects on the adjoining property. Further, the existing fencing and proposed landscaping along this boundary softens views of the building when viewed from the adjoining property, and therefore any adverse effects on this property are considered to be less than minor.

Overall, it is considered that any adverse effects on the owners and occupiers of 98, 100 and 120 Beach Haven Road will be less than minor.

7.3.2 29 Cresta Avenue (North)

29 Cresta Avenue adjoins the northern boundary of the subject site and contains an existing dwelling and detached garage. The following comments are made with regards to potential effects on this property:

- The proposed development complies with the 1m side yard setback and 2.5m + 45° height in relation to boundary control at this boundary, reducing potential visual dominance effects. Furthermore, no adverse shading effects are anticipated on this property given that the proposed development is located to the south of this site.
- The development also complies with outlook controls and it is proposed to retain the existing 1.8m high fencing along the shared boundary. Therefore, it is considered that privacy will be maintained and the fence will provide screening for the lower levels of the development.
- The proposed landscaping along the shared boundary will soften views of the development, and reduce any potential overlooking effects from the upper-level units. The built form visible from this boundary is broken up with different materials and outdoor balconies along the façade, reducing adverse visual dominance effects.

Overall, it is considered that any adverse effects on the owners and occupiers of 29 Cresta Avenue will be less than minor

7.3.3 15 and 17 Cresta Avenue (North West)

15 and 17 Cresta Avenue adjoin the north-west of the subject site and each property contains residential dwelling. The following comments are made with regards to potential effects on this property:

- The outlook space and outdoor living spaces for all units within Block A are orientated north and away from the shared boundary. Furthermore, the proposal complies with outlook controls and a row of mature trees along this boundary will be retaining therefore reducing the extent of potential overlooking and privacy effects.

- In relation to the 2.5m + 45° HiRB control infringement arising from the roof eaves in Block A, it is noted that Block A is well setback from adjoining boundary reducing the overall built form and potential dominance effects. The maximum vertical extent of infringement is 400mm which is unlikely to be noticeable when viewed from these adjoining properties, particularly considered the existing dwellings on these sites are setback at least 12m from the boundary. The building will be screened by existing vegetation and that the proposed landscaping scheme.
- Given the row of mature vegetation along the shared boundary, it is considered that any additional shading that may result of height and height and relation to boundary infringements will be less than minor and it is considered that sunlight access to these sites will be reasonable.
- In relation to the yard and fencing infringements arising the proposed retaining along the north-western boundary, it is noted that the retaining is unlikely to be visible from the adjoining properties given predominantly cut retaining is proposed as opposed to fill and therefore the proposed fencing arrangement is expected to look similar to the existing fencing along the adjoining boundary. Landscaping in the form of trees and hedges are proposed along the length of the boundary to enhance amenity and screen views of the existing dwelling to the car parking area on the subject site, reducing potential privacy or overlooking effects from the proposed footpath or car parking area. As such, any adverse effects arising from the proposed development and respective infringements is considered to be less than minor.
- With respect to the effects on the overland flow path (OLFP) that traverses the western (rear) portion of 15 Cresta Avenue, the Infrastructure Report prepared by Aireys (included as **Appendix 7**) confirms that the proposed development will not change or divert the entry and exit point of the overland flow path on this site. The increase in impermeable surface area on site falls within the permitted standards however this will result in a minor increase in the OLFP levels by a maximum of 10mm. This can be maintained within the defined channel on 15 Cresta Ave, which is well setback from the existing dwelling. Therefore, it is considered that the risk of damage to property as a result of the OLFP is less than minor.
- As noted in section 6.4.5 above, the proposed 1.2m high acoustic fence along the adjoining boundary at 15 Cresta Avenue exceeds the permitted day time noise levels by 2dB. This is considered to be a small-scale non-compliance given the 2dB exceedance is negligible being an imperceptible difference in noise level, and as such will not result in any adverse noise effects on this property.

Overall, it is considered that any adverse effects on the owners and occupiers of 15 and 17 Cresta Avenue will be less than minor.

7.3.4 5-11 Cresta Avenue (South West)

These properties are located to the south-west of the site and each contain one or two existing residential dwellings. The following comments are made with regards to potential effects on these properties:

- The proposed development complies with the 1m side yard setback along the western boundary (except the retaining within 1.5m of road boundary) and the outlook spaces for all

residential units are fully contained within the site boundaries, reducing the extent of potential overlooking or privacy effects.

- The built form visible from these properties is broken up into four separate buildings to reduce the perceived bulk form, and the buildings have been designed with a mix of different materials and colours palette and Block C has a different orientation to Blocks A, B and D to ensure that the building appears as separate units, rather than one solid block to create an articulated interface and reduce any potential visual dominance effects.
- The proposed retaining along the south-western boundary will be cut into the ground with limited fill required and therefore the retaining is unlikely to be visible from the adjoining neighbours (particularly 11 Cresta Avenue), given the site topography and given the proposed fencing arrangement will be similar to what is existing. The proposed 1.2m high fencing and hedge will screen views of the car parking area and the 1.8m high fencing proposed along the remainder of the south-western boundary, which in combination with the proposed landscaping, including specimen trees and shrubs will screen and soften views of the proposed development from these properties.
- In terms of shading, the proposal may result in some minor shading to the adjoining properties to the east, west and south, however it is considered that sunlight access to these sites will be reasonable and therefore any potential shading effects will be less than minor. Further, the proposed development is fully compliant with the 2.5m + 45° height in relation to boundary control adjoining these properties.

Overall, it is considered that any adverse effects on the owners and occupiers of 5-11 Cresta Avenue will be less than minor.

7.3.5 88-94B Beach Haven Road (South)

These properties are located to the south of the site and each contain two detached residential dwellings. The following comments are made with regards to potential effects on these properties:

- The proposed development complies with the 1m side yard setback at this boundary, however Block D infringes the 2.5m + 45° height in relation to boundary control by a maximum vertical height of 350mm arising from the roof eaves and roof of the central stairwell. Block D is well setback from the adjoining boundary and the main outlook and outdoor living spaces for all of the proposed Block D units are located to the north orientated away from the adjoining properties, which reduces the extent of the infringement and any potential visual dominance, overlooking or privacy effects.
- Landscaping is proposed along the adjoining boundaries in the form of specimen trees, shrubs and hedging which will soften and screen views of the proposed development and will enhance on-site amenity. In particular, the proposed fencing and landscaping along the pedestrian pathway will ensure that privacy is maintained for the adjoining properties and direct sightlines and potential overlooking to these sites will be reduced.
- In terms of shading, the proposal may result in some minor shading of the adjoining properties, however given the proposal complies with the required setback at the boundary, it is considered that that sunlight access to these sites will be reasonable and therefore any potential shading effects will be less than minor.

- The Noise Assessment prepared by Earcon Consultants (included as **Appendix 12**) confirms that a 1.2m high acoustic fence along the boundary of 94A Beach Haven Road would result in small scale non-compliance of 2dB. A 1.8m high fence is proposed along the northern and eastern boundary of 94A Beach Haven Road which complies with the permitted day time standard, and as such the proposal will not result in any adverse effects on this property.

Overall, it is considered that any adverse visual dominance, privacy or shading effects on the owners and occupiers of 88-94B Beach Haven Road will be less than minor.

7.3.6 12 and 14 Cresta Avenue (West)

12 and 14 Cresta Avenue are located directly opposite the site on Cresta Avenue to the west. It is not anticipated that any adverse effects relating to shading, privacy or visual dominance will arise from the proposed development when considering the proposed buildings are setback at least 90m from these properties given 20m separation distance afforded by Cresta Avenue and the fact the buildings are setback a further 70m from the road boundary. As such, it is considered that any adverse effects on the owners and occupiers of 12 and 14 Cresta Avenue will be less than minor.

7.3.7 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to visual dominance, shading, and privacy effects. Wider effects, including construction, built character and amenity, transport and subdivision related effects, were assessed in section 6.5 above and are considered to be less than minor.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

7.4 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

8.0 Effects on the Environment (Section 104(1)(A))

8.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;

- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a Non-Complying Activity, section 104B of the Act states that a council:

- may grant or refuse the application; and
- if it grants the application, may impose conditions under section 108.

8.2 Weighting of Proposed Plan Changes: Auckland Council Unitary Plan

There are no relevant plan changes that would have bearing on this application. Therefore, it is considered that with respect to all matters that the proposal can be assessed against the AUP(OP) provisions only.

9.0 District Plan and Statutory Documents (Section 104(1)(B))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above that any adverse effects relating to the proposal will be less than minor and that no persons would be adversely affected by the proposal.

Further, it is considered that the proposal will also result in significant positive effects including the provision of 81 dwellings in an established residential area that will give effect to the quality, compact city outcomes sought by the Auckland Plan. Further, the site can be serviced by existing infrastructure and is well integrated with respect to transport.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

10.0 Relevant Rules and Assessment Criteria

10.1 Objectives and Policies of the Auckland Unitary Plan

10.1.1 Residential – Single House Zone

The objectives and policies for the Single House zone are contained in sections H3.2 and H3.3 of the AUP (OP). The objectives aim to ensure that development maintains, and is in keeping with, the amenity values of established residential neighbourhoods and the planned suburban built character of predominantly one to two-storey buildings; and provides quality on-site amenity for residents, adjoining sites, and the street. Non-residential activities that provide for community needs, and are compatible with the planned built character, are also provided for.

The policies are to require an intensity of development that is compatible with the aforementioned built character, and maintains a reasonable level of sunlight access and privacy to adjoining sites, and minimises visual dominance effects. Useable and accessible outdoor living space is

encouraged, as well as provision for passive surveillance, front yard landscaping, and minimisation of garage door prominence.

A detailed assessment of the objectives and policies is provided in the table below.

| Objectives and Policies | Comment |
|---|---|
| <p>Objective H3.2(1) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.</p> | <p>The proposed development maintains the established residential character and amenity values of the neighbourhood as all units are provided with generous internal floor layouts and outdoor living spaces to ensure on-site amenity, which is complimented by the comprehensive landscaping scheme. The proposed communal outdoor area within the western portion of the site also enhances amenity and provides a community presence within the development. The proposal is not considered to detract from the established neighbourhood character and is consistent with the existing built form and character of the adjoining apartments to the east at 120 Beach Haven Road. Further, views of the development will be limited from the street, given the proposed buildings are well setback from the road, and will not appear visually dominant within the wider neighbourhood.</p> |
| <p>Objective H3.2(2) Development is in keeping with the neighbourhood’s existing or planned suburban built character of predominantly one to two storeys buildings.</p> | <p>The proposed three-storey development reflects a greater density and built form than what is provided for by one and two storey buildings within the surrounding environment. In saying this, the proposed mitigation measures, including a comprehensive landscaping scheme, orientation of buildings on the site and well-articulated façade reduces the extent of built form from the site and will not appear visually dominant in the context of the existing neighbour. Further, the proposal reflects a similar density and scale to development on the adjoining site at 120 Beach Haven Road.</p> |
| <p>Objective H3.2(3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.</p> | <p>The proposed development enhances on-site amenity for the adjoining sites via the comprehensive landscaping proposed across the site, which provides an attractive interface with adjoining properties. The building façade</p> |

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|---|---|
| | <p>have been architecturally designed to provide an attractive exterior, that is broken up with the use of different colours and materials that provides articulation and breaks up any perceived bulk form.</p> |
| <p>Objective H3.2(4) Non-residential activities provide for the community’s social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.</p> | <p>N/A – residential activities proposed.</p> |
| <p>Policy H3.3(1) Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.</p> | <p>As noted above, the proposed development provides for a greater density than what is provided for by the zone, however is consistent with the adjoining three-storey development at 120 Beach Haven Road. The subject site is not located within a special character area and the policy references ‘predominantly’ which provides scope for developments of a built form and scale that exceed one or two storeys. Being a rear site, the buildings are well setback from the street and the built character will not appear visually dominant at the street or within the surrounding environment.</p> |
| <p>Policy H.3.3(2) Require development to:</p> <p>(a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or</p> <p>(b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.</p> | <p>Despite the infringements to height, yard and height in relation to boundary standards, the proposal complies with building coverage and impervious area which will ensure the proposal does not reflect a scale of development that is inappropriate in context of the wider residential neighbourhood. Being a rear site, the extent of infringements will be less noticeable from the wider environment, which will be screened and mitigated by the comprehensive landscaping scheme to ensure character and amenity values are maintained.</p> |
| <p>Policy H.3.3(3) Encourage development to achieve attractive and safe streets and public open spaces including by:</p> <p>(a) providing for passive surveillance</p> <p>(b) optimising front yard landscaping</p> | <p>The proposed development is located on a rear site, and therefore will not result in any adverse effects on the streetscape from garage doors. All parking spaces are well-setback from the road boundary which are broken up with areas of landscaping. Sufficient</p> |

| | |
|--|--|
| <p>(c) minimising visual dominance of garage doors.</p> | <p>front yard landscaping is proposed to enhance streetscape amenity and provide an attractive site entrance.</p> |
| <p>Policy H.3.3(4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.</p> | <p>An assessment of effects on adjoining persons was provided in Section 7.3 above, which concluded that the development would ensure a reasonable level of sunlight access and privacy is maintained for all adjoining sites. All four apartment blocks are well setback from the adjoining boundaries and are sufficient screened by landscaping to reduce any potential visual dominance effects.</p> |
| <p>Policy H.3.3(5) Encourage accommodation to have useable and accessible outdoor living space.</p> | <p>All units are provided with useable and accessible outdoor living spaces, in the form of outdoor patios for the ground floor units and balconies for the first and second floor units.</p> |
| <p>Policy H.3.3(6) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.</p> | <p>The proposal complies with the maximum 60% impervious area permitted on the site, with 49.9% proposed.</p> |
| <p>Policy H.3.3(7) Provide for non-residential activities that:</p> <ul style="list-style-type: none"> (a) support the social and economic well-being of the community; (b) are in keeping with the scale and intensity of development anticipated within the zone; (c) avoid, remedy or mitigate adverse effects on residential amenity; and (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and the Business – Town Centre Zone. | <p>N/A – no residential activities proposed.</p> |
| <p>Policy H.3.3(8) To provide for integrated residential development on larger sites.</p> | <p>N/A – not relevant to the proposal.</p> |

While the proposal infringes the density, height, height in relation to boundary and yard standards, the locational characteristics of the site, architectural design of the buildings and provision of generous outdoor living spaces for residential units and the communal landscape and BBQ area, mean that the proposal achieves the zone objectives and policies.

10.1.2 Transport

The objectives and policies for transport are contained in sections E27.2 and E27.3, and aim to integrate land use and transport modes to enable benefits to be realised and adverse effects to be managed; provide for parking and loading that supports urban growth and quality compact urban form and is also safe, efficiency and commensurate with the character, scale and intensity of the zone; and to prioritise pedestrian safety and amenity.

In this case, the proposed development is considered to be consistent with these objectives and policies as adequately serviced by transport infrastructure and is a suitable location for intensified residential development. Sufficient parking is provided on site and the increase in vehicles generated by the proposal can be accommodated within the existing road network. Commute has reviewed the proposed parking, access and manoeuvring for the development and confirm that the arrangements will be able to functional safety and efficiently. Overall, it is considered that proposal is consistent with the objectives and policies in E27.2 and E27.3.

10.1.3 Noise and Vibration

The objectives and policies for noise and vibration are contained in sections E25.2 and E25.3 of the AUP (OP). The Plan seeks to ensure that amenity values of residential zones, and people in general, are protected from unreasonable levels of noise and vibration. However, construction activities that cannot meet noise and vibration standards are enabled where the duration, frequency and timing is controlled to manage adverse effects. Activities are encouraged to establish in locations where the noise generated is compatible with adjacent activities and zones, and where reverse sensitivity effects are remedied or mitigated.

In this case, the proposal is considered to be consistent with the objectives and policies outlined above, in particular the proposed recommendations and mitigation measures outlined in the Acoustics Assessment, including speed bumps and slower vehicle speeds, will manage the effects of the proposed development.

10.1.4 Urban Subdivision

The objectives and policies for urban subdivision are contained in sections E38.2 and E38.3 of the AUP (OP), and aim to ensure that subdivision achieves the objectives of the applicable zone, provides for long-term needs, is serviced by infrastructure, and avoids adverse effects on infrastructure, historic/Māori heritage, natural features and landscapes, and indigenous vegetation.

The proposal is considered to be consistent with these objectives and policies as the proposed unit title subdivision can be adequately serviced.

10.1.5 Summary

It is considered that the proposed development is generally in accordance with the objectives and policies of the AUP (OP).

11.0 Relevant Rules an Assessment Criteria

The AUP (OP) specifies the relevant assessment criteria to be considered in assessing this application for each of the consent matters in the following sections:

- E25.8.2(1) for noise and vibration;
- E27.8.2(8) for development infringing Standard E27.6.3.6;
- E38.11.2 for unit title subdivision;
- H3.8.2(2) for building height infringement;
- H3.8.2(3) for height in relation to boundary infringement;
- H3.8.2(4) for yard infringement; and
- H3.8.2(7) for landscaped area infringement.

These criteria largely cover the same matters that have been discussed and assessed in the above report, pertaining to environmental effects and the objectives and policies of the AUP (OP).

Where the proposal infringes the standards for the Single House zone, the purposes of these standards are met through the high-quality design and landscaping as described throughout the report.

Overall, it is considered that the proposal meets the assessment criteria of the AUP (OP) for the reasons described in sections 6, 7, 9, and 10 above.

12.0 Part 2 Matters

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant AUP (OP) objectives, policies, and assessment criteria, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

13.0 Other Matters

13.1 Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill and Plan Integrity

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was announced on the 20 December 2021 and has been designed to improve housing supply in New Zealand's five largest cities by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) and enabling more medium density homes. The Bill requires Councils to adopt the Medium Density Residential Standards (MDRS) and their plan changes must be notified before 20 August 2022.

As outlined in the memo included at **Appendix 14**, prepared by Jeremy Brabant, the proposed development broadly aligns with the development standards of the MDRS, no qualifying matters as defined HASAA apply to the site and it is located within 200m of the centre of the Beach Haven Local Centre. Therefore, it anticipated that these provisions will take immediate legal effect from the date of notification.

Whilst the MDRS cannot be relied upon prior to the notification of the MDRS, the legal advice provided concludes that:

However, in my opinion any assessment of the proposed application (as a non-complying activity) could and should take account of the impending change to plan provisions in the context of considerations of plan integrity. It could not be said that plan integrity was at issue as a result of the proposed development in circumstances where the HSAA directs significant up-zoning of the Site in 6 months time.

Based on that advice, an assessment of the proposal has been undertaken against the MDRS and included as **Appendix 13**. The rules assessment concludes that the proposal would require consent as a restricted discretionary activity overall. The proposal is in general accordance with the MDRS requirements and where there are infringements to standards, these are mitigated by design. Furthermore, the proposal is in accordance with the objectives and policies included in section 4A of Schedule 3A.

We acknowledge that the MDRS does not currently have legal effect and cannot yet be taken into account. However, once introduced later this year the planning framework applying to the site will change, and for this reason, in our view, the proposal will not create a precedent or affect the integrity of the zone provisions that currently apply.

14.0 Section 104D – Gateway Test

To obtain consent for a non-complying activity, an applicant will need to demonstrate to Council in its application that either of the 'two' gateway tests under Section 104D of the Resource Management Act 1991 are satisfied, being either that:

- (c) The adverse effects of the application on the environment will be minor; or
- (d) That the application will not be contrary to the objectives and policies of the relevant plan.

Throughout this report, it has been established that the adverse effects of the proposal are no more than minor and that the development is not contrary to the objectives and policies of the District Plan. As such, the proposal passes through both avenues of the gateway test, enabling the application to be approved.

15.0 Conclusion

The proposal involves the construction of 81 new dwellings and associated unit title subdivision at 96 Beach Haven Road and 13 Cresta Avenue in Beach Haven.

Based on the above report it is considered that:

- Public notification is not required as adverse effects in relation to construction activities; built character and amenity; transport; and subdivision are considered to be less than minor. There are also positive effects including provision of 81 dwellings in an established residential area that will give effect to the quality, compact city outcomes sought by the Auckland Plan. Further, the site can be serviced by existing infrastructure and is well integrated with respect to transport.
- Limited notification is not required as no persons at adjacent properties are considered to be adversely affected by the proposal;
- The proposal accords with the relevant AUP (OP) objectives and policies;
- The proposal meets the relevant AUP (OP) assessment criteria;
- The proposal is considered to be consistent with Part 2 of the Act; and
- The proposal passes through the Section 104D Gateway test.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.